Decision Notice
and
Finding of No Significant Impact

Maquinita Ecosystem Health Project

USDA Forest Service
Carson National Forest, Tres Piedras Ranger District
Rio Arriba County, New Mexico

The Environmental Assessment (EA) for the Maquinita Ecosystem Health Project documents the analysis of various alternatives to address the specific needs of the analysis area (8,068 acres) (figure 1). The project planning record and EA are available for review at the Tres Piedras Ranger District, P.O. Box 38, Tres Piedras, NM 87577 (575) 758-8678.

Decision

I have reviewed the Carson National Forest Land and Resource Management Plan (forest plan, PR #2[1]), and Maquinita Ecosystem Health Environmental Assessment (PR# 156). Based on my review and the examination of all the alternatives, I have decided to implement alternative 4 (see also attached map). My decision will:

1. Harvest approximately 2,346 acres for sawtimber (6,018 MBF[2]) using intermediate thinning methods, such as thinning from below, tree thinning, sanitation, and conifer removal (in aspen), and regeneration harvest methods, such as group selection and aspen patch cuts. A total of 1,397, 458, 39, and 452 acres will be within mixed-conifer, ponderosa pine, spruce-fir, and aspen, respectively (figure 2).

2. Thin approximately 5,586 acres using intermediate (pre-commercial) thinning of forested stands up to 12" diameter at breast height (dbh) (figure 3).

3. Harvest approximately 949 acres, which will result in 2,615 and 3,353 CCF,[3] green fuelwood and vigas, respectively. Viga harvest may include trees up to 14"dbh in some spruce stands (figure 3).

4. Construct brush fences or wire fences around some aspen regeneration areas to prevent ungulate browsing until aspen is established.

5. Treat natural and activity fuel loadings on all treated acres using prescribed fire, such as broadcast burning and jackpot burning, and/or mechanical treatments on approximately 1,819 acres; pile burn approximately 573 acres, including fuel breaks; lop and scatter; hand pile; and remove biomass. Fuel breaks will be constructed on some forest roads in stands where any thinning occurs by piling and burning accumulated fuels within 200 feet of the roads (figure 4). The goal of the fuel treatments are to maintain conditions where flame length will be below four feet, rate of spread will be slow and fire line intensity will be low. Reducing fuel levels to those described in the next statement (#6) will meet this goal.

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[1] Source documents from the project record are incorporated by reference in this decision by showing the document number in parantheses (PR #). An index to the project record is included with this decision.

[2] MBF = thousand board feet.

[3] CCF = hundred cubic feet

6. Retain a minimum of 5-7 tons per acre of down wood 3 inches in diameter or larger (on average) for treated stands in the ponderosa pine forest type, and a minimum of 10-15 tons per acre (on average) for treated stands in the mixed conifer type to maintain or improve long-term soil productivity (BMP 31.12).

7. Based on the Maquinita Ecosystem Health Project EA, a follow-up maintenance burn may be conducted in 3 to 12 years. The need for a maintenance burn will be assessed based on conditions at the time to meet the goal stated in statement number 5 above, such as the amount of ground fuels and amount of tree encroachment within created openings. Part of the evaluation will also be based on how well the original burning met objectives.

8. Reconstruct approximately 1.34 miles and maintain (at maintenance level 2) approximately 30 miles of existing roads to access treatment stands figure 5).

9. Construct 1.56 miles of new road to protect a valuable wetland where FS 91 (and numerous braided road segments) traverses a montane meadow and small riparian and wetland area located along the southwest project boundary (figure 5).

10. Create 4 miles of temporary roads to access stands proposed for treatment. This is only temporary access and would be obliterated after prescribed treatments are implemented (figure 5).

11. Close approximately 6.4 miles of roads currently on the transportation system and 0.65 miles of non-system roads following implementation of all activities (figure 5).

Many of the treatments in this decision will overlap. For example, pre-commercial thinning and sawtimber harvest may occur on the same acres. It is estimated that it will take 5 to 8 years to implement the activities in this decision.

Mitigation Measures

This decision includes the following mitigation measures to minimize environmental impacts of activities:

Watershed and Soil

- Conduct prescribed burning when soil moisture conditions are adequate to prevent long periods of heating to the soil surface (i.e., spring and fall) (BMP[4] 31.12). (All treatment units)

- Piles resulting from post treatment fuel reduction should be limited to 20 feet in diameter. Burn piles should be burned under moist soil or snow covered conditions (BMP 31.12). (All treatment units)

- Where pile burning results in complete consumption of fuel and surface litter, as indicated by white or red ash, an effort will be made to re-inoculate with native surface soil from the

[4] BMP refers to a "best management practice." BMPs are described in the Forest Service handbook (FSH) at FSH 2509.22. The handbook outlines the process for meeting the water quality goals contained in the forest plans and the objectives of the Clean Water Act, through the development and implementation of a BMP for each project.

adjacent area once burning operations are completed to restore soil microbiota (BMP 31.12). (All pile burn units)

- Restrict treatment activities and associated road use to dry, frozen, or snow covered conditions (BMP 24.13 and 41.27). (All harvest units and all system and temporary roads)
- In all harvest units with slopes greater than 15 percent where yarding and skidding operations occur, generated slash will be treated by lopping and scattering to maintain or replace groundcover that has been disturbed (BMP 24.22).
- Seed all landings, skid trails, and other disturbed sites for erosion control (BMP 24.23). (All harvest units).
- Obliterate all temporary roads, skid trails and log landings on completion of harvest and fuel reduction activities (BMP 41.3). (Four miles temporary road, log landings, skid trails)
- Maintain all roads with proper road maintenance practices during and after treatment activities (BMP 41.25). (All system and temporary roads)
- Avoid stand treatments and the development and use of skid trails and landings in or near meadows and riparian areas (BMP 24.16). (TEU 67 and 196, intermittent and perennial stream courses: 50 foot slope distance from intermittent and perennial stream courses, 100 feet from ponds/waterbodies, 50 feet from spring/seep areas).
- Limit the use of vehicles and heavy equipment to specified locations. Avoid this type of traffic in riparian areas, drainages, and meadows (BMP 24.12). (All harvest units)
- To protect soil productivity and minimize surface erosion, maintain vegetation ground cover at or above 65 percent on all harvest units where slope is greater than 15 percent. (All harvest units >15% slope)
- Scatter slash over disturbed areas (landings and skid trails) once treatment activities are complete. Temporary roads will be water-barred per contract requirements at end of operating season, regardless of whether or not they will be used again. (BMP 24.21) (All treatment units)
- Where mastication or other mechanical slash disposal treatment occurs, limit the accumulation of chunked, chipped, or shredded wood to an average maximum of 4 inches deep or less to allow for vegetation regrowth. (BMP 24.3) (All harvest units)
- Retain or plan for sufficient groundcover to prevent erosion of the burned site by initiating prescribed burning at least one year after harvest or thinning. Pile burning of activity created fuels, can be conducted in less than 1 year, provided adherence to other mitigation measures outlined for that activity (scarification, inoculation, timing of burn to reduce soil heating) (BMP 31.12) (All harvest units)

Fire and Fuels

- Each treated stand will be evaluated post-treatment by an interdisciplinary team of specialists for fuels treatment needs. The most appropriate methods will be selected at that time. Considerations will include fuel type, fuel loading, silvicultural objectives, watershed

protection, heritage protection, wildlife needs, road access, public needs, and funds availability.

- Affected parties will be notified of planned prescribed fire prior to any ignition. Notifications will include affected public, New Mexico Air Quality Bureau, and other individuals, agencies, and organizations that have an interest. Any roads that may be impacted by smoke or fire will be monitored and signs will be posted accordingly.

- Prescribed burning will be implemented only when weather conditions and on-site burning variables are favorable to meet objectives.

- Pile locations will take into account the need to protect wildlife habitat features by not piling underneath large green trees or large snags.

Air Quality

- All burning will be approved by the State of New Mexico in compliance with its smoke management plan, to minimize the adverse effects on air quality.

Wildlife

- Avoid Abert's squirrel and red squirrel nesting areas when possible. When laying out the treatment unit, if a nesting site is found the nest tree and surrounding trees will be avoided.

- Special feature areas such as springs, tanks, wildlife nests, snags, and wildlife buffers will be protected during treatments.

- Large snags with signs of wildlife use will be signed to avoid loss during harvest of fuelwood and other uses.

Heritage Resources

- During implementation heritage sites will be protected by restricting activities. Sites that have been identified in the Inventory Standards and Accounting Form will be avoided during timber and prescribed burning activities.

Roads

- Keep roads gated during activities (roads that are closed before and will close after the sale), if needed, to limit new or improved accessibility into the area. Site-specific requirements for the method of closure will be made on a case-by-case basis. The Roads Analysis Process analyzes what specific closures will be applied for these areas.

- Protect heritage sites that may be impacted by existing roads by plating or armoring road beds in the vicinity of known sites with addition soil and/or gravel.

Vegetation

- Canopy cover for tree groups within ponderosa pine vegetation structural stage (VSS) 4-6 classifications will not be reduced below 40 percent as determined by the biological assessment?.

- Within mixed conifer the canopy cover for 1/3 of the VSS 4 tree groups will not be reduced below 60 percent and 40 percent for the remaining 2/3 of the VSS 4 tree groups. Within VSS 5

tree groups will not be reduced below 50 percent and within VSS 6 tree groups will not be reduced below 60 percent as determined by BA.

- Within spruce fir the canopy cover for 1/3 of the VSS 4 tree groups will not be reduced below 60 percent and 40 percent for the remaining 2/3 of the VSS 4 tree groups. Within VSS 5-6 tree groups will not be reduced below 60 percent as determined by BA.

- Impose seasonal restrictions for *Ips* sp. bark beetle, if needed – If *Ips* sp. bark beetle infestations occur in the project area, it is recommended that no precommercial thinning or mechanical fuel treatments occur in ponderosa pine stands from January 15 through July 15. This will allow green slash created from treatments to dry out, reducing potential habitat for bark beetles and proliferation of infestation.

- Restrictions related to spruce bark beetle (*Dendroctonus rufipennis*), for any Engelmann spruce stem sections greater than 6 inches in diameter will include removal from forest or bucking stems to 3 foot lengths or less, or piling and burning.

Monitoring

This decision uses an adaptive management (AM) strategy to monitor and improve the use of prescribed fire for future projects. AM reduces uncertainty by facilitating learning from alternative approaches and using monitoring and feedback to improve decision-making. Generally speaking, adaptive management is a process of viewing management actions as experiments rather than solutions, a formal and systematic approach to learning from the outcomes of management actions, accommodating change and improving management. For the Maquinita Ecosystem Health Project, monitoring will be organized to determine if the purpose and need was met as follows:

- The quality of aspen across the landscape is declining with trees becoming old and being overtaken by conifers. There is a need to regenerate new stands of aspen.

  Has the amount of aspen regeneration or young stands increased within the analysis area? Were newly regenerated groups or stands protected and allowed to grow?

- Stands are generally overstocked with few openings. A total of 74 percent of the mixed-conifer and ponderosa pine stands are occupied by young trees ranging in size from 5 to 12 inches in diameter. An additional 21 percent is stocked with trees 12 to 18 inches in diameter. Very few large trees occur across the landscape.

  Has the stand structure been modified to encourage clumps of trees interspersed with small openings with an understory of grasses, forbs, and shrubs while at the same time maintaining special wildlife habitat features such as dense groups, snags, and old growth? Has growth been encouraged on individual trees to achieve a greater distribution of large trees?

- Risk of crown fire is high to extreme on 70 percent of the analysis area due to heavy fuel loadings. Current conditions inhibit suppression efforts.

  Have fuels been reduced and fuel continuity been broken up to reduce crown fire risk? Has fire safety around private lands and public use areas been improved?

A monitoring plan will be developed to capture the purpose and need identified for this project. If monitoring results indicate the desired conditions are not being met with the current activities, future activities will be modified to reflect what was learned. All monitoring will be documented in reports which will be made available to interested publics.

Rationale for the Decision

I have read the Maquinita Ecosystem Health Project EA and I fully understand the environmental effects disclosed therein. In making this decision I considered the health of the forested area, cumulative effects including past and possible future treatments, and the effects to other natural resource management objectives.

Alternatives 1 (no action) was not selected because it does not meet the identified purpose and need. Alternative 1 will not create additional structural diversity by creating small openings which would lead to greater vegetation diversity with an increase in the grass/forb vegetation type. Loss of aspen would continue with conifers shading out the aspen. Roads would not be improved or closed and roads would continue to provide excessive levels of sedimentation. The unmanaged road system that is basically a braided network of rutted roads would continue to degrade the wetland along FR 91.

Alternative 3 treatments are limited by a diameter cap where no trees can be harvested greater than 14 inches in diameter. Even with this limitation the effects are similar between Alternative 3 and alternative 4 (selected alternative) for several of the evaluation criteria. There is little difference between the vegetation structural stages in 50 years or in the probability of crown fires as measured by flame length. Neither action alternative will treat stands selected as old growth. However alternative 3 was not selected because forest health as measured by tree growth and vigor was not as good because it would not be possible to reduce tree density as well with the diameter cap. A decline in the acres and quality of aspen is a concern throughout the West. With the diameter cap, the reduction of competition between conifers and aspen would be less than with alternative 4. Aspen regeneration would also be less than in alternative 4. Similar to alternative 1 the wetland along FR 91 would not be restored.

When managing the resources of a national forest, there is never a single clear choice between alternatives. Each alternative has its positive and negative features. My purpose in making this decision is to recognize the need to move existing forest conditions toward desired conditions as described in the purpose and need. While there are certain advantages afforded by the other alternatives, I feel alternative 4 best meets the purpose and need for this action, while responding to significant issues from the public. Treatments under alternative 4 would better meet the purpose and need by reducing tree densities in overstocked stands resulting in greater tree growth and vigor and more aspen improvement than would be possible with a diameter cap under alternative 3. There would be better vegetation diversity with more openings and greater amounts of herbaceous vegetation resulting in an improvement in habitat quality for many wildlife species. Even though flame lengths may be similar between the action alternatives, fire line intensity would be much lower for alternative 4, allowing for greater firefighter safety and better ability to control wildfires. The wetland along FR 91 would be restored with the creation of a short section of new road and the closure of the unregulated roads now degrading the wetland. Sensitive species and their habitat would be protected with possible long-term habitat improvements. Any potential cumulative watershed effects would be minimized based on mitigation measures, including best management practices.

Alternatives Considered

Four alternatives were considered but eliminated from detailed analysis (EA pp. 13-14), including the original proposed action (alternative 2) that was modified to form alternative 4. Three alternatives, including the "no action" alternative were considered in detail, along with mitigation measures that were common to the action alternatives (EA pp 14-26).

Alternative 1

Alternative 1 was the no action alternative and was used as a baseline for the action alternatives. Alternative 1 also addresses some of the issues raised during scoping. Under alternative 1, current management plans would continue to guide management of the analysis area.

Alternative 2

Alternative 2 was the original proposed action that was considered, but dropped from further consideration based on new information obtained through an old growth inventory. Alternative 4 (described above as the selected alternative) is essentially alternative 2 which was modified to protect old growth.

Alternative 3

This alternative was developed to address all of the significant issues. A diameter cap was used to limit cutting of trees greater than 14 inches in diameter and did not include any new construction of temporary or system roads to access treatment areas. Approximately 24 miles of system and non-system roads would have been closed. Compared to alternative 4, this alternative had less sawtimber harvest because of limited access to some of the treatment stands and less prescribed burning. No treatments in this alternative would preclude or delay allocated stands from becoming old growth now or in the future. Products such as vigas, latillas, fuelwood, and sawtimber (12 to 14 inches in diameter) would have been provided for commercial and personal use through a combination of stewardship contracts, service contracts, sales contracts, and personal use permits.

Public Involvement

The proposal was listed in the Schedule of Proposed Actions since October 2004 and has been listed quarterly since then. In December 2005, a scoping letter describing the proposed action and purpose and need was sent to 132 interested or affected individuals, groups, and agencies (PR #39). In addition, a tribal consultation letter was sent to 16 Indian Nations. Comments were received throughout the analysis process, including letters, e-mails and phone conversations (PR #40). Using the comments from the public, other agencies, and tribes, the interdisciplinary team identified issues and developed alternatives to address them (PR #63).

In compliance with the Forest Service's Notice, Comment, and Appeal Procedures (36 CFR 215.5), the Tres Piedras Ranger District distributed the proposed action and additional information for 30-day comment in August 2006 (PR #90-91). Comments were considered and addressed in the EA and project record (PR #108).

A decision was made October 27, 2006 and subsequently appealed by Forest [WildEarth] Guardians, Wild Watershed, Carson Forest Watch, and Center for Biological Diversity (PR #119).

The Appeal Deciding Officer responded to all appeal points in the single appeal and reversed the decision (PR #121).

In the preparation of a second EA, new information was taken into account, which resulted in the development of alternative 4. Alternative 4 was identified as the proposed action and made available to the public for review and 30-day comment on April 6, 2009 (PR #136-137). Comments were considered, but no new issues were identified. Public comments, as well as any new resource information, were considered and incorporated (where feasible) into the second EA (PR # 144).

Finding of No Significant Impact

Based on the interdisciplinary environmental analysis, review of the National Environmental Policy Act criteria for significant effects, and my knowledge of the expected impacts, I have determined this action does not pose a substantial question of significant effect upon the quality of the human environment; therefore, an environmental impact statement is not needed. This determination is based on the following factors:

Context – The physical and biological effects of the proposed actions and alternatives described in the environmental assessment are site-specific actions limited to this analysis area. The significance of the proposed action is evaluated within the context of the Tres Piedras Ranger District and Rio Arriba County.

Intensity – The severity of the environmental effects of the proposed projects, considered alone or cumulatively with others, was tested against ten criteria listed in 40 CFR 1508.27.

1. **Impacts that may be both beneficial and adverse**

   Many effects, both beneficial and adverse, and their significance were discussed for all the alternatives considered in detail. Effects were lessened or eliminated through alternative design and mitigation measures (EA, pp. 16-26). None of the adverse effects were determined to be significant, singularly or in combination. The beneficial effects of the action do not bias my finding of no significant environmental effects. The anticipated environmental effects and their intensity have been disclosed for each alternative in chapter 3 of the EA (pp. 29-133). Beneficial impacts were not used to minimize the severity of any adverse impacts. The proposed uses of National Forest System lands will not result in any known significant irreversible resource commitments or a significant irreversible loss of soil productivity and water quality (EA, pp. 86-103), wildlife habitats (EA, pp. 53-83), heritage resources (EA, pp. 119-121) or recreational opportunities (EA, pp. 122-124). In reaching my conclusion of no significant impacts, I recognize that this project is likely to have impacts, which are perceived as negative as well as positive.

2. **The degree to which the proposed action affects public health or safety**

   These activities do not constitute a threat to public health or safety. This decision does not involve national defense or security. Timber sales and vegetation treatments have occurred on the Carson National Forest for many years and there is a high degree of site-specific knowledge on the implementation and effects of these treatments. Affected parties will be notified of planned prescribed fire prior to any ignition. Burning will only be implemented when weather conditions and on-site burning variables are favorable (EA pp 18).

3. **Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas**

   There are no park lands, prime farmlands, ecologically critical areas, inventoried roadless areas, designated wild and scenic rivers, wilderness areas, or wilderness study areas within the Maquinita Project Area; therefore there are no effects to these areas from this decision (EA, pp. 122-126, PR #74,). The EA documents approximately 10 acres of wetlands are currently impacted by existing road crossings and off-road vehicle use. Alternative 4 will improve the wetland along FS 91 by constructing a new section of road and closing unauthorized roads (EA, pp 86-112). The effects of implementing this decision will improve wetlands over time and will not be significant. See significance factor #8 for discussion related to historic or cultural resources.

4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial**

   The activities associated with this decision will not significantly affect the quality of the human environment, and the effects are unlikely to be highly controversial in a scientific sense (EA, pp. 126-133). No evidence has been presented which raises substantial questions as to the correctness of the environmental consequences that have been estimated. The effects on the human environment are not likely to be highly controversial based on the involvement of Forest Service resource specialists, other agencies, and the public. Public scoping for generated 18 comment letters (EA, p. 11-12; PR# 41-42, 44-57, 59-60, 65). The 30-day notice for comment period generated comments from 8 individuals and groups (EA, p. 11; PR# 83, 85, 87-88, 92-93, 96, 100-101). The second 30-day notice for comment generated 6 comment letters (EA, p 11; PR 137a, 139-142, 143). Not all the comments received were in support of this project. After reviewing the project record and EA, I am confident the interdisciplinary team reviewed the comments and concerns and incorporated them into alternatives or addressed them in the appropriate resource sections. It is my judgment, while portions of the public disagree with various components of the project and have raised concerns related to the action alternatives, an unusual or high degree of controversy in the scientific community does not exist related to this project.

5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks**

   This decision has no known effects on the human environment that are highly uncertain or involve unique or unknown risks. All of the effects of the selected alternative are similar to those taken into consideration and disclosed in the Carson Forest Plan's Final Environmental Impact Statement Chapter 2 (pp. II-86 - 122) and Chapter 4 (pp. IV-1 - 85). Timber harvesting, mechanical thinning, and prescribed burning are common activities that have been conducted on the Carson National Forest for many years. Their environmental effects have been monitored and are known to the specialists who predicted the effects for the Maquinita Ecosystem Health Project. This decision does not involve highly uncertain or unknown risks.

6. **The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration**

   The selected alternative does not represent a precedent for future actions with significant effects or represent a decision in principle about a future consideration. The EA is site-

specific and the actions in this decision are consistent with the Carson National Forest Land and Resource Management Plan and its standards and guidelines (EA, pp. 10-11; PR # 2).

7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts**

   The EA describes the anticipated cumulative effects in each of the affected resources sections (EA, pp. 29-133, and Appendix A, pp 137-141). I am satisfied, after reviewing the EA, this decision will have no significant cumulative effects related to the direct and indirect effects of its actions, combined with the effects of other past, present, and reasonably foreseeable activities within the cumulative effects areas analyzed for each resource.

8. **The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the national Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources**

   With the avoidance provisions outlined for the project, I believe there will be no adverse effects, direct, indirect, or cumulative, to archeological and historic properties from implementation of any of the actions proposed as parts of the Maquinita Ecosystem Health Project (EA, pp. 119-121; PR #86, 106).

9. **The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973**

   A biological assessment and addendum (EA, pp. 53-57; PR # 98 and 152) were prepared for the Maquinita Ecosystem Health Project and the Forest Service biologist determined there will be a "may affect, not likely to adversely affect" on the federally listed Mexican Spotted owl (MSO). The U.S. Fish and Wildlife Service concurred with this determination (Cons. #22420-2006-I-165, September 11, 2006) (PR #102). There is no designated MSO critical habitat in the project area; therefore no critical habitat will be affected by this decision.

10. **Whether the action threatens a violation of Federal, State or local law or requirements imposed for the protection of the environment**

    Implementation of the selected alternative will not violate any Federal, State, or local law or requirements imposed for the protection of the environment including:

    - Clean Water Act (EA, pp. 86-103; PR# 153)
    - Clean Air Act, as Amended in 1977 (EA, p. 112-119; PR# 72)
    - Endangered Species Act of 1973, as Amended (EA, pp. 53-57 and Biological Assessment and Addendum; PR #98 and 152)
    - Executive Order 11990 of May, 1977 [Wetlands] (EA, p. 86-103; PR #153)
    - Executive Order 11988 of May, 1977 [Floodplains] (EA, p. 86-103; PR #153)
    - Executive Order 12898 of February, 1994 [Environmental Justice] (EA, p. 130; PR#77)
    - Executive Order 13186 of January, 2001 [Migratory Bird Treaty Act] (EA, pp. 72-79; PR #150).

- National Forest Management Act of 1976 (EA, pp. 10-11, PR # 2, 19)

Finding of Consistency with Other Laws

This decision complies with the National Environmental Policy Act and the National Forest Management Act. It is also consistent with the Carson National Forest Land and Resource Management Plan (PR #2). There are no known significant effects on civil rights, women, or minorities. This project will not have a significant adverse effect upon subsistence resources and opportunities. I believe this project will enhance the natural and social environments in and surrounding the Carson National Forest.

Forest Service Administrative Review or Appeal Opportunities

The decision related to National Forest System lands is subject to administrative review (appeal) in accordance with 36 CFR 215. A written notice of appeal clearly stating it is a notice of appeal being filed pursuant to 36 CFR 215.6 must be filed within 45 days from the date of publication of legal notice of this decision in *The Taos News*. The publication date in *The Taos News*, newspaper of record, is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source.

Individuals or organizations that submitted comments during the 30-day comment period from April 9 through May 8, 2009 may appeal this decision. The notice of appeal must meet the appeal content requirements at 36 CFR 215.6. An appeal must be filed (regular mail, fax, e-mail, hand delivery, or express delivery) with the Appeal Deciding Officer. Written appeals must be submitted to:

Forest Supervisor, Appeal Deciding Officer
Carson National Forest
208 Cruz Alta Road
Taos, NM 87571
FAX: (575) 758-6213

The office business hours are Monday through Friday (excluding holidays) from 8 a.m. to 4:30 pm for those submitting hand-delivered appeals to the Carson Forest Supervisor's Office at the above address. Electronic comments must be submitted in a format such as an e-mail message, plain text (.txt), rich text format (.rtf), Adobe (.pdf), or MS Word (.doc) to appeals-southwestern-carson@fs.fed.us. The appeal must have an identifiable name attached or verification of identity will be required. A scanned signature may serve as verification on electronic appeals. Please put "Maquinita Ecosystem Health Project" in the subject line.

Implementation Date

This decision will not be implemented sooner than 5 business days following the close of the Forest Service appeal filing period established in the Notice of Decision in *The Taos News*. If an appeal is filed on the Forest Service decision, implementation will not begin sooner than 15 business days following a final decision on the appeal.

Information

For additional information concerning this decision or the Forest Service appeal process, contact Benjamin Romero, District Ranger, Tres Piedras Ranger District, P.O. Box 38, Tres Piedras, NM 87577, and (575) 758-8678.

Benjamin Romero

BENJAMIN ROMERO
District Ranger, Tres Piedras Ranger District
Carson National Forest

9/29/2009

Date

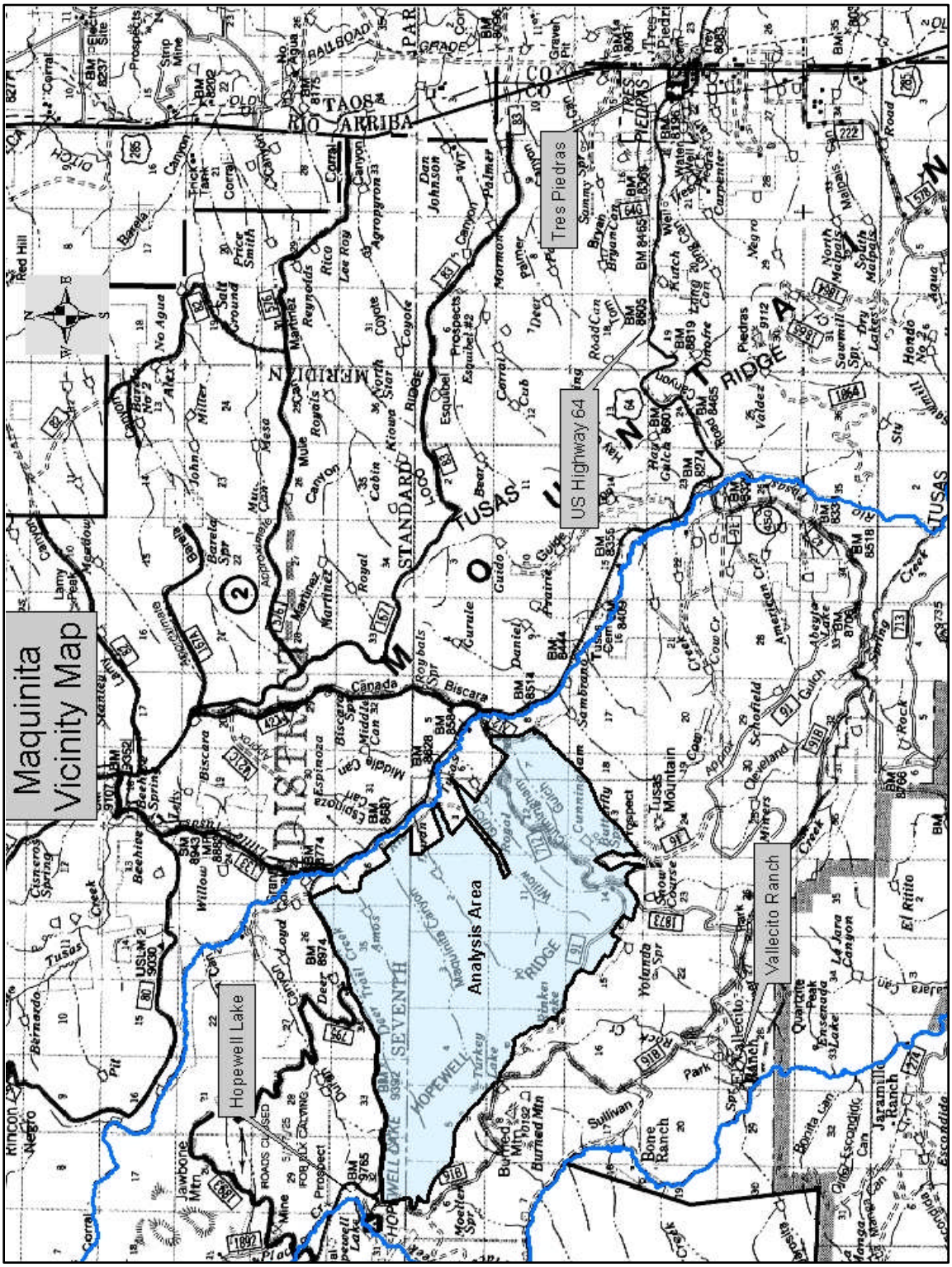

Figure 1. Maquinita Analysis Area

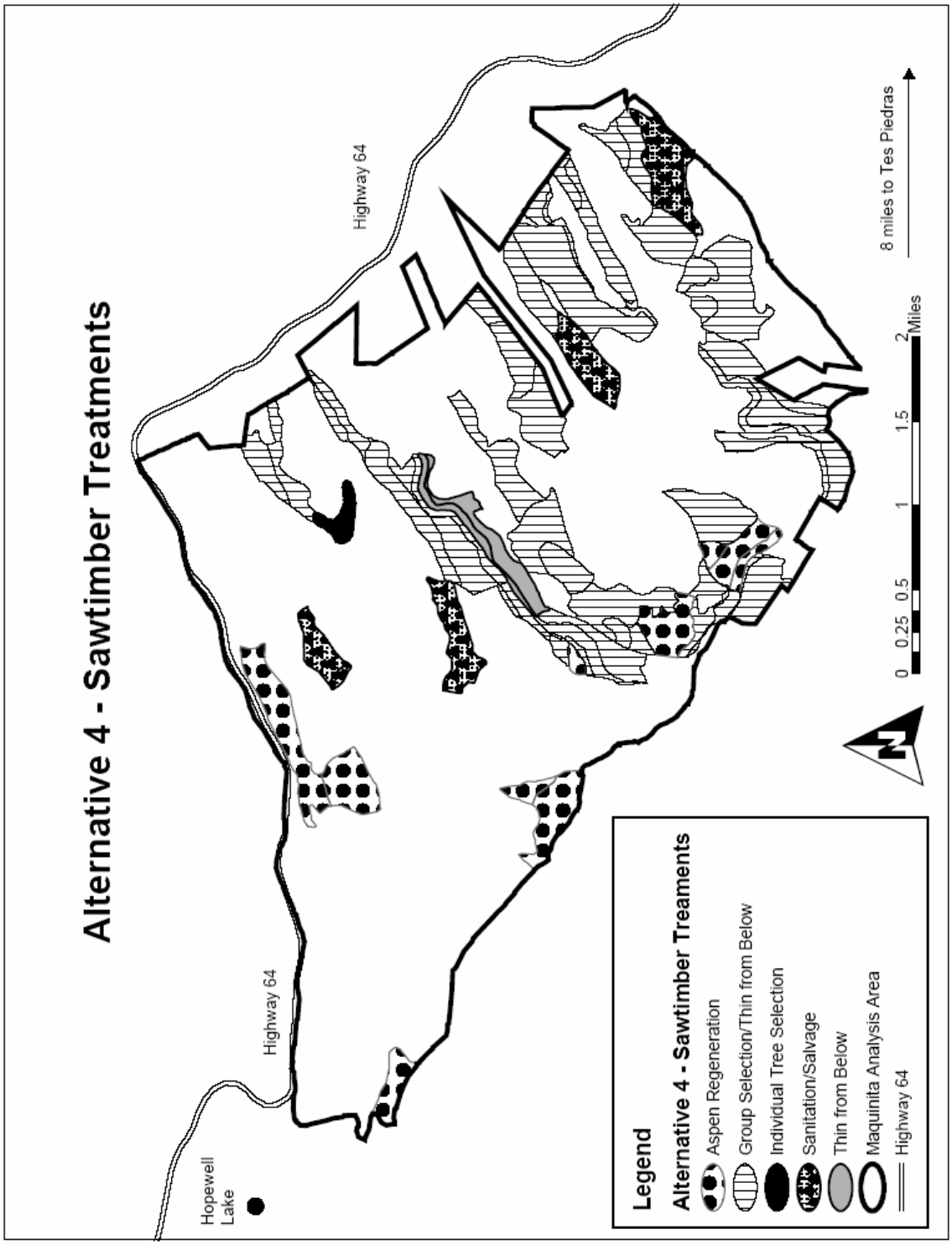

Figure 2. Sawtimber treatments for the Maquinita Ecosystem Health Decision

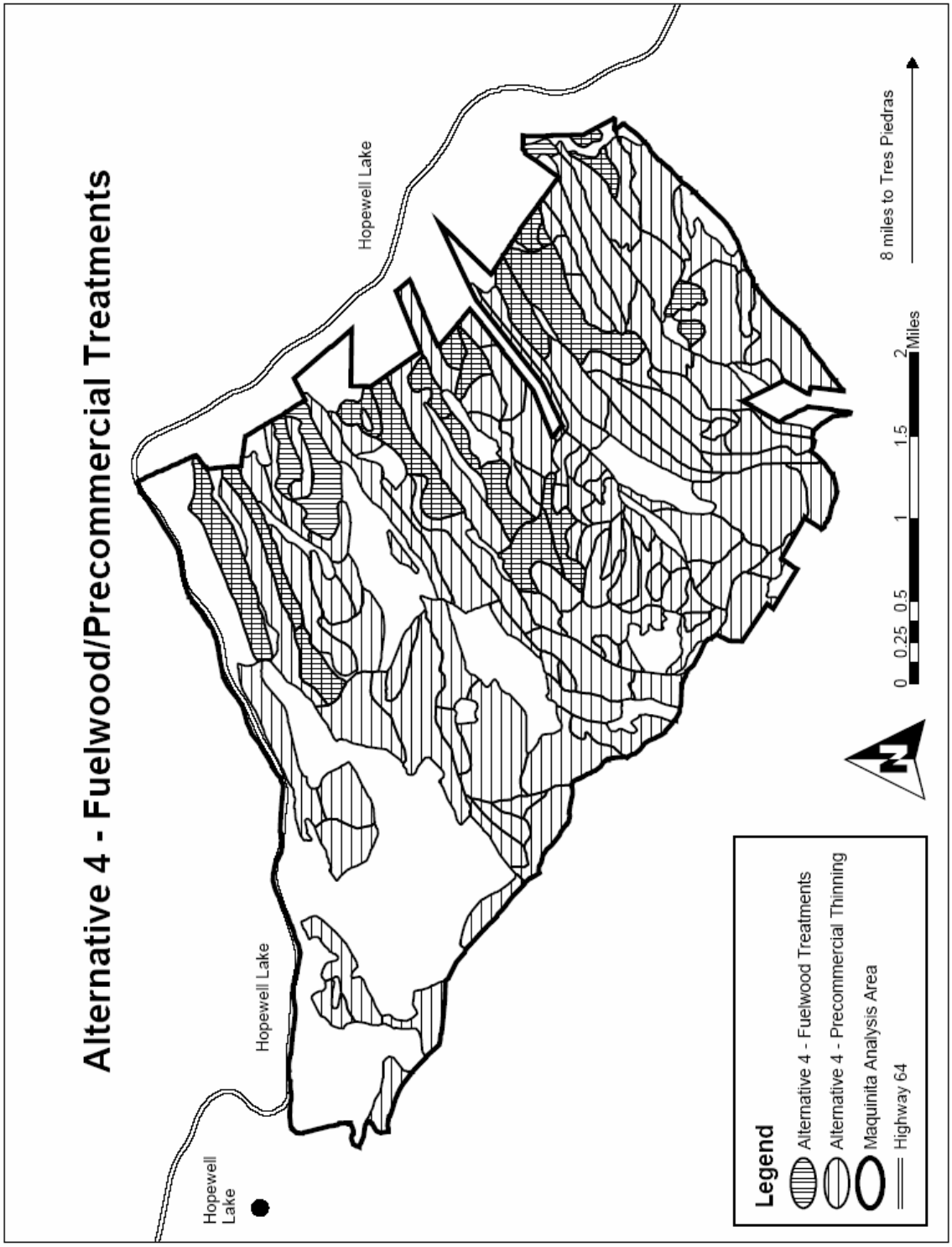

Figure 3. Fuelwood and precommercial thinning treatments for the Maquinita Ecosystem Health Decision

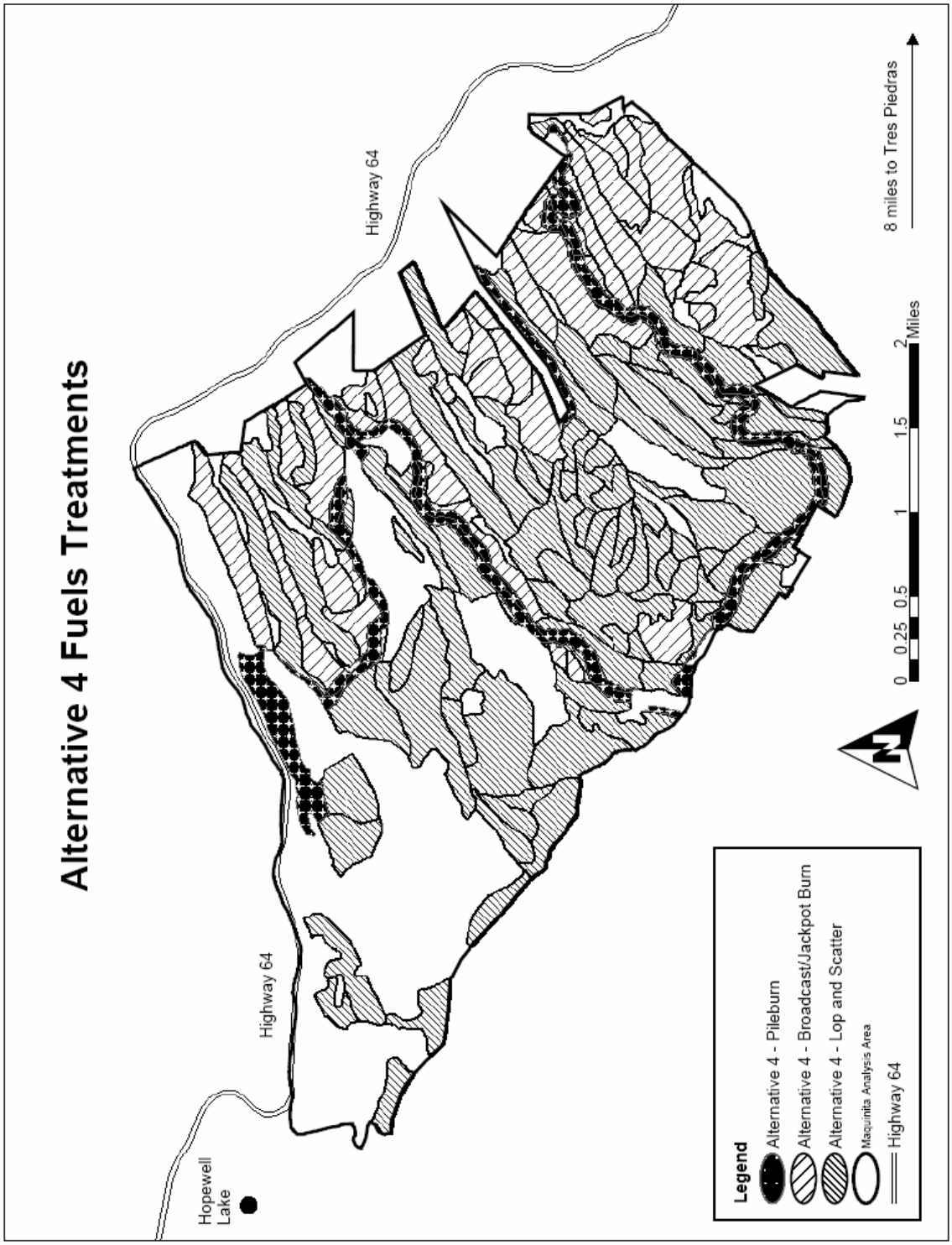

Figure 4. Fuels treatments for the Maquinita Ecosystem Health Decision

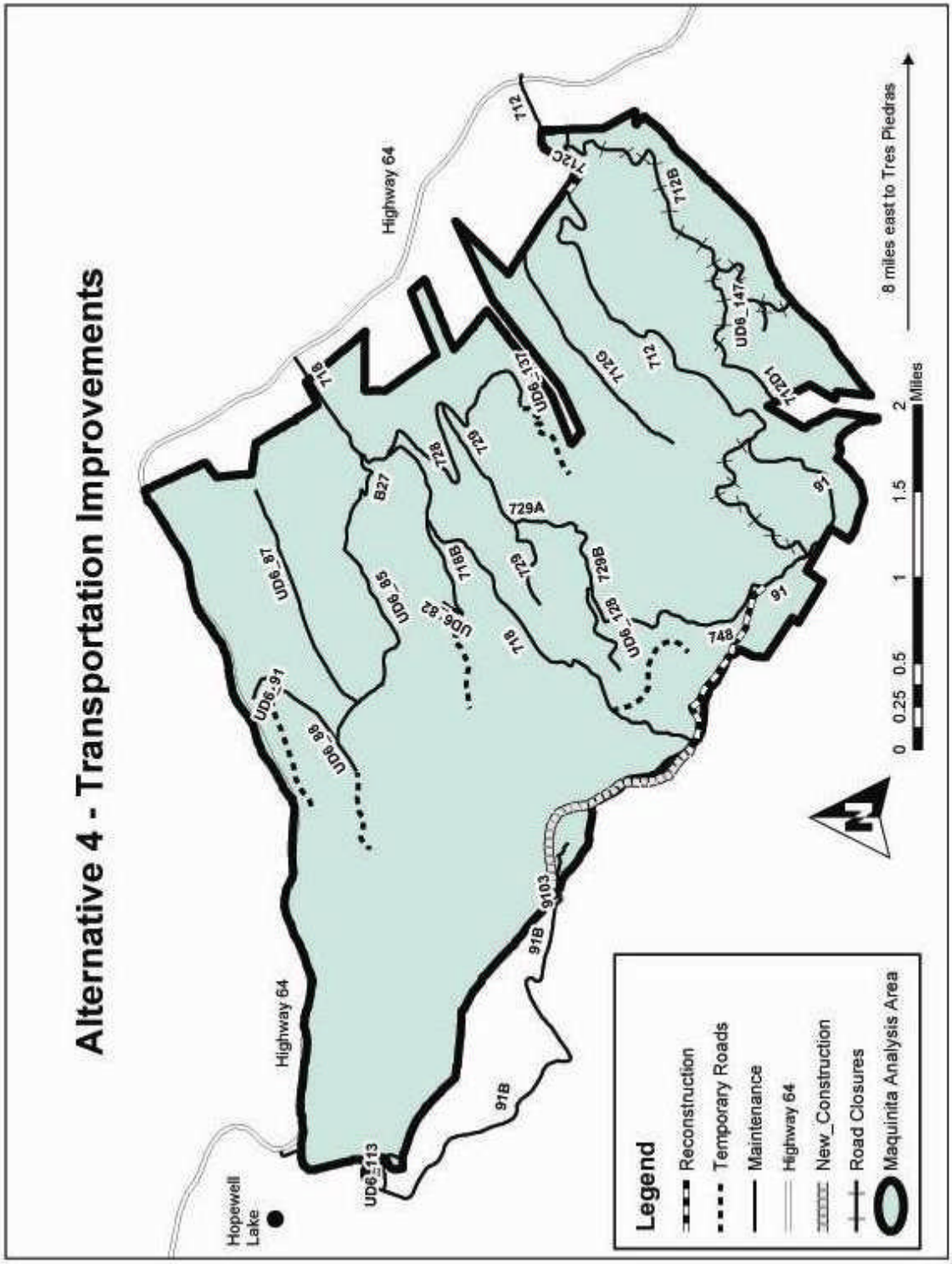

Figure 5. Transportation Improvements for the Maquinita Ecosystem Health Decision

Project Record Index

These documents include meeting notes, technical reports, letters, maps and other documents generated in the analysis of the proposed Maquinita Ecosystem Health Project during the 2004-2006 and 2009 season on the project area. They are available for review at the Tres Piedras Ranger District, P.O. Box 38, Tres Piedras, NM 87577, (575) 758-8678. General references may be found at several locations other than the Tres Piedras Ranger District.

No.	DATE YY.MM.DD	DOCUMENT	AUTHOR	LOCATION
001	86.09	Environmental Impact Statement, Carson National Forest Plan and Record of Decision	USDA, Forest Service	Any Carson NF Office and Project File
002	86.09	Carson National Forest Plan as amended and NFMA	USDA, Forest Service	Any Carson NF Office and Project File
003	87.08.01	Terrestrial Ecosystems Survey of the Carson National Forest	USDA, Forest Service	Project File
004	90.12.03	Region 3 Soil and Water Conservation Practices Handbook	USDA, Forest Service	Project File
005	91.11.26	Management Recommendations for the Northern Goshawk in the Southwestern United States	USDA, Forest Service	Project File
006	95.12	Recovery Plan for Mexican Spotted Owl	USDA, Forest Service	Project File
006a	96	1996 ROD Amendment to Forest Plans Southwestern Region	USDA, Forest Service	Project File
007	01.07.27	Carson National Forest Migratory Birds Assessment	Carson National Forest	Project File
008	02.09.18	FSH Environmental Policy and Procedures Handbook – Superseded by 36 CFR 220 and FSH 1909.15 (2008)	Forest Service Handbook	Project File
009	03.05	Forest-wide Management Indicator Species Assessment, Carson National Forest Superseded by PR#123	USDA, Forest Service	Project File
010	03.05.12	Tribal Consultation - Maps and list of projects, by ranger districts for 2003 projects	Martin Chavez, Forest Supervisor	Project File
011	04.02.05	Meeting Notes	Tim Fruits	Project File
012	04.05.24	Tribal Consultation - Maps and list of projects, by ranger districts for 2004 projects	Martin Chavez, Forest Supervisor	Project File
013	04.10.18	Tribal consultation informing status of	Martin Chavez,	Project File

No.	DATE YY.MM.DD	DOCUMENT	AUTHOR	LOCATION
		archaeological survey	Forest Supervisor	
014	04.10.20	Notes from ID Team Meeting	Alberta D. Maez, Natural Resource Coordinator	Project File
015	04.10.26	Field Reconnaissance Notes	David Lawrence, Silviculture	Project File
016	04.11.03	Response to tribal consultation	Southern Ute Indian Tribe	Project File
017	04.11.16	MSO Restricted and Threshold Designations	David Lawrence, Silviculture	Project File
018	04.11.22	Vegetation Existing Condition Report	David Lawrence, Silviculture	Project File
019	04.11.22	Forest Plan Management Areas	USDA, Forest Service	Project File
020	04.11.30	Cultural Resources – Existing and Desired Conditions	Michael Kyte, Archeologist	Project File
021	05.01	Schedule of Proposed Action (SOPA) – January 2005	USDA, Forest Service	Project File
022	05.03.02	IS&A Form for routine road maintenance, road closure and road decommissioning project	State Historic Preservation Office	Project File
023	05.04	Schedule of Proposed Action (SOPA) – April 2005	USDA, Forest Service	Project File
024	05.06.20	Tribal Consultation - Maps and list of projects, by ranger districts for 2005 projects	Martin Chavez, Forest Supervisor	Project File
025	05.06.29	Response to tribal consultation	Comanche Tribe	Project File
026	05.07	Schedule of Proposed Action (SOPA) – July 2005	USDA, Forest Service	Project File
027	05.10	Schedule of Proposed Action (SOPA) – October 2005	USDA, Forest Service	Project File
028	05.10.15	ID Team Meeting – HFRA Discussion	Alberta D. Maez, Natural Resource Coordinator	Project File
029	05.10.20	IDT Meeting Notes	Alberta D. Maez, Natural Resource Coordinator	Project File
030	05.10.21	Notes from Maquinita Field Visit	Alberta D. Maez, Natural Resource Coordinator	Project File
031	05.11.14	Project Initiation Letter	Ernesto Hurtado,	Project File

No.	DATE YY.MM.DD	DOCUMENT	AUTHOR	LOCATION
			District Ranger	
032	05.11.16	ID Team Meeting Notes	Alberta D. Maez, Natural Resource Coordinator	Project File
033	05.11.30	Fire – Existing Condition	Loren Suazo	Project File
034	05.11.30	Wildlife – Existing Condition	Francisco Cortez	Project File
035	05.11.30	Roads – Existing Condition	Herbert Vigil	Project File
036	05.11.30	Range – Existing Condition	Wayne Yonemoto	Project File
037	05.11.30	Watershed – Existing and Desired Conditions	Deb Kantar	Project File
038	05.12.15	Conversation Record with Tusas Permittees	Anna Dominguez	Project File
039	05.12.22	NEPA Scoping Letter, Map, Mailing List,	Ernesto Hurtado, District Ranger	Project File
040	05.12.22	Tribal Consultation Letter, Map, Mailing List	Ernesto Hurtado, District Ranger	Project File
041	05.12.28	Response to tribal consultation	Southern Ute Indian Tribe, Neil B. Cloud	Project File
042	05.12.30	Response to Scoping Letter	Gregory Lungstrum	Project File
043	06.01	Schedule of Proposed Action (SOPA) – January 2006	USDA, Forest Service	Project File
044	06.01.03	Response to Tribal Consultation Letter	Comanche Tribe	Project File
045	06.01.04	Response to Scoping Letter	Tusas Cattle Assocation	Project File
046	05.01.06	Response to Tribal Consultation Letter	Zuni Tribe	Project File
047	06.01.11	Response to Scoping Letter	USFWS	Project File
048	06.01.13	Response to Scoping Letter	Continental Divide Trail Alliance	Project File
049	06.01.17	Response to Scoping Letter	Center for Biological Diversity	Project File
050	06.01.18	Response to Scoping Letter	Gregory Lungstrum	Project File
051	06.01.19	Response to Scoping Letter	Cecil Coffman	Project File
052	06.01.19	Conversation Record with Lanny Kuykendall	Francisco Cortez, Wildlife Biologist	Project File
053	06.01.20	Response to Scoping Letter	Forest Guardians	Project File

No.	DATE YY.MM.DD	DOCUMENT	AUTHOR	LOCATION
054	06.01.20	Response to Scoping Letter	Forest Guild	Project File
055	06.01.22	Response to Scoping Letter	Jack Garner	Project File
056	06.01.24	Response to Scoping Letter	Carson Forest Watch	Project File
057	06.01.25	Response to Scoping Letter	NM Department of Game & Fish	Project File
058	06.01.26	Tribal Consultation - Maps and list of projects, by ranger districts for 2006 projects	Martin Chavez, Forest Supervisor	Project File
059	06.01.26	Response to Scoping Letter	NM Environment Department	Project File
060	06.01.30	Response to Tribal Consultation Letter	Southern Ute Indian Tribe	Project File
061	06.01.31	Notes from Issues and Alternatives Meeting	Alberta D. Maez, Natural Resource Coordinator	Project File
062	06.02.06	Range Access Points	Anna Dominguez, Range Technician	Project File
063	06.02.07	Consideration of Significant Comments from scoping letter	Alberta D. Maez, Natural Resource Coordinator	Project
064	06.02.07	Notes from Road Closure Meeting	Alberta D. Maez, Natural Resource Coordinator	Project File
065	06.03.02	Conversation Record with Tomas Griego	Alberta D. Maez, Natural Resource Coordinator	Project File
066	06.04	Schedule of Proposed Action (SOPA) – April 2006	USDA, Forest Service	Project File
067	06.04.25	Notes from ID Team Meeting (Alternatives and Cumulative Effects)	Alberta D. Maez, Natural Resource Coordinator	Project File
068	06.04.27	Notes from meeting regarding roads	Alberta D. Maez, Natural Resource Coordinator	Project File
068a	06.05	Final Supplement to the Final Environmental Impact Statement for Amendment of Forest Plans	USDA, Forest Service	Project File
069	06.06.27	Alternative Treatment Maps	David E. Lawrence, Silviculture	Project File

No.	DATE YY.MM.DD	DOCUMENT	AUTHOR	LOCATION
070	06.07	Schedule of Proposed Action (SOPA) – July 2006	USDA, Forest Service	Project File
071	06.07.05	Fire Effects Report	Loren Suazo. AFMO	Project File
072	06.07.05	Air Quality Effects Report	Loren Suazo, AFMO	Project File
073	06.07.06	Legal Notice for 30-day comment period	Taos News	Project File
074	06.07.06	Recreation Effects Report	Ray J. Martinez, Recreation/Lands Specialist	Project File
075	06.07.10	Vicinity and Site Location Maps of Maquinita Analysis Area	Alberta D. Maez	Project File
076	06.07.11	Vegetation Effects Report	David E. Lawrence, Silviculture	Project File
077	06.07.11	Social and Economic Report	Alberta D. Maez, Natural Resource Coordinator	Project File
078	06.07.11	Wildlife Report	Francisco Cortez, Wildlife Biologist	Project File
079	06.07.12	Road Analysis Report – Replaced by document #147	Herbert Vigil, Engineer	Project File
080	06.07.13	Legal Notice for 30-day comment period (reprint)	Taos News	Project File
081	06.07.13	Memo regarding Proposed Action and Additional Information for Maquinita Ecosystem Health Project and enclosures	Kendall Clark, Acting Forest Supervisor	Project File
082	06.07.21	Tribal Consultation with Proposed Action and Additional Information for Maquinita Ecosystem Health Project	Kendall Clark, Acting Forest Supervisor	Project File
083	06.07.26	Response to 30-day comment period	Joanie Berde, Carson Forest Watch	Project File
084	06.07.28	Rio Tusas/Rio Vallecitos Watershed Ecosystem Management Area Old Growth Allocation Map	David E. Lawrence, Silviculture	Project File
085	06.07.31	Response to tribal consultation	Comanche Tribe	Project File
086	06.08.01	Heritage Resources Effects Report	Michael Kyte, Archeologist	Project File
087	06.08.01	Response to Tribal Consultation	Pueblo of Santa	Project File

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			Clara, Gilbert R. Tafoya	
088	06.08.03	Response to tribal consultation	Zuni Heritage and Historic Preservation Office	Project File
089	06.08.03	Range Effects Report	Benjamin Romero, Acting District Ranger	Project File
090	06.08.10	Legal Notice for 30-day comment period (reprint)	Taos News	Project File
091	06.08.14	Memo regarding Legal Notice in Taos News	Diana M. Trujillo, District Ranger	Project File
092	06.08.14	Response to Tribal Consultation	Comanche Tribe, Ruth Toahty	Project File
093	06.08.16	Response to 30-day comment period	State of NM Dept. of Game and Fish	Project File
094	06.08.16	Memo regarding preferred alternative	Kendall Clark, Acting Forest Supervisor	Project File
095	06.08.16	Response to tribal consultation	Jicarilla Apache Nation	Project File
096	06.08.29	Conversation Record with Jack Garner regarding 30-day comment period	Alberta D. Maez, Natural Resource Coordinator	Project File
097	06.09.05	Maquinita Past, Present and Reasonably Foreseeable Future Activities Map	Alberta D. Maez, Natural Resource Coordinator	Project File
098	06.09.06	Biological Assessment and Evaluation – Also see BA Addendum 1 (PR #152)	Francisco Cortez, Wildlife Biologist	Project File
099	06.09.06	Memo to USFWS requesting letter of concurrence	Gale Tunberg, Acting Forest Supervisor	Project File
100	06.09.07	Conversation Record with Joanie Berde	Alberta D. Maez, Natural Resource Coordinator	Project File
101	06.09.08	Response to 30-day comment period	Forest Guardians	Project File
101a	06.09.08	Conversation Record	Team Leader	
102	06.09.11	Letter of Concurrence from USFWS	Adam Zerrener, Acting field Supervisor	Project File

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103	06.09.12	Soil and Watershed Effects Report– superseded by PR#153	Gregory Miller, Soil Scientist	Project File
104	06.09.19	Conversation record with Jeff Lyons, Santa Clara Pueblo	Alberta D. Maez, Natural Resource Coordinator	Project File
105	06.09.25	Conversation record with Jeff Lyons, Santa Clara Pueblo	Alberta D. Maez, Natural Resource Coordinator	Project File
106	06.09.25	Inventory Standards and Accounting Form – SHPO Clearance	State Historic Preservation Office	Project File
107	06.09.26	Maquinita Vicinity Insect and Disease Aerial Detection Survey Maps 2002, 2003, 2004, 2005.	David Lawrence, Silviculture	Project File
108	06.09.26	List of Individuals, Groups, Organizations who commented during the NEPA Analysis Process and Comment Analysis	Alberta D. Maez, Natural Resource Coordinator	Project File
109	06.09.26	Tree Harvest x Diameter class Outputs	David E. Lawrence, Silviculture	Project File
110	06.09.26	Volume Analysis	David E. Lawrence, Silviculture	Project File
111	06.09.26	Canopy Cover Analysis	David E. Lawrence, Silviculture	Project File
112	06.09.26	VSS Analysis	David E. Lawrence, Silviculture	Project File
113	06.09.28	Biological Evaluation – superseded by PR#151	Francisco Cortez, Wildlife	Project File
114	06.09.30	Maquinita Ecosystem Health Environmental Assessment	ID Team	Project File
115	06.09.30	Decision Notice and Finding of No Significant Impact	Benjamin Romero, District Ranger	Project File
116	06.10	Schedule of Proposed Action (SOPA) – October 2006	USDA, Forest Service	Project File
117	06.10.26	Cover Letter and Mailing list for individuals, groups and agencies sent EA & DN/FONSI	Benjamin Romero, District Ranger	Project File
118	06.10.27	Newspaper Notice of Decision	Taos News	Project File
119	06.12.08	Appeal	Forest	Project File

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			Guardians, Wild Watershed, Carson Forest Watch, and Center for Biological Diversity	
120	07.01	Schedule of Proposed Action (SOPA) – January 2007	USDA, Forest Service	Project File
121	07.01.25	Appeal Review Decision	Abel Camarena, Appeal Deciding Officer	Project File
122	07.04	Schedule of Proposed Action (SOPA) – April 2007	USDA, Forest Service	Project File
123	07.06	Management Indicator Species	USDA FS	Project File
124	07.07	Schedule of Proposed Action (SOPA) – July 2007	USDA, Forest Service	Project File
125	07.10	Schedule of Proposed Action (SOPA) – October 2007	USDA, Forest Service	Project File
126	08.06.04	Meeting Notes	Team Leader	Project File
127	08.01	Schedule of Proposed Action (SOPA) – January 2008	USDA, Forest Service	Project File
128	08.04	Schedule of Proposed Action (SOPA) – April 2008	USDA, Forest Service	Project File
129	08.07	Schedule of Proposed Action (SOPA) – July 2008	USDA, Forest Service	Project File
130	08.08.07	Meeting Notes	Team Leader	Project File
131	08.09.03	Meeting Notes	Team Leader	Project File
132	08.10	Schedule of Proposed Action (SOPA) – October 2008	USDA, Forest Service	Project File
133	09.01	Schedule of Proposed Action (SOPA) – January 2009	USDA, Forest Service	Project File
134	09.03.05	Meeting Notes	Team Leader	Project File
135	09.04	Schedule of Proposed Action (SOPA) – April 2009	USDA, Forest Service	Project File
136	09.04.06	Proposed Action and Additional Information for Maquinita Project and cover letter	IDT Team Leader	Project File
137	09.04.09	Legal Notice	IDT Team Leader	Project File
137a	09.04.16	30 day Review Comment	Joanie Berde, Carson Forest Watch	Project File

No.	DATE YY.MM.DD	DOCUMENT	AUTHOR	LOCATION
138	09.04.20	Letter to Wildearth Guardians providing FOIA Information	Benjamin Romero, District Ranger	Project File
139	09.05.06	30 day Review Comment	Bryan Bird, Wild Earth Guardians	Project File
140	09.05.06	30 day Review Comment	Matt Wunder, NM Dept of Game and Fish	Project File
141	09.05.07	30 day Review Comment	Gregory Lungstrum	Project File
142	09.05.20	30 day Review Comment	Navajo Nation	Project File
142a	09.05.26	Notes	Benjamin Romero	Project File
143	09.05.09	30 day Review Comment	A. Jack Garner	Project File
144	09.06.04	Comment Content Analysis	Team Leader	Project File
145	09.06.18	Meeting Notes	Team Leader	Project File
146	09.06.23	Meeting Notes	Team Leader	Project File
147	09.06.24	Roads Analysis Process	Team Leader	Project File
148	09.07	Schedule of Proposed Action (SOPA) – July 2009	USDA, Forest Service	Project File
149	09.08.10	Conversation Record	Team Leader	Project File
150	09.08.25	Wildlife and Fisheries Report – replaced PR#78	Chirre Keckler	Project File
151	09.08.25	Biological Evaluation – replaced PR#113	Chirre Keckler	Project File
152	09.08.25	Addendum to Biological Assessment– in addition to PR# 98	Chirre Keckler	Project File
153	09.08.31	Watershed and Soils Effects Report – replaced PR#103	Greg Miller	Project File
154	09.09.08	Vegetation Effects Report – replaced PR#76	David Lawrence	Project File
155	09.09.15	Specialist Report for Fires/Fuels – replaced PR#71	Loren D. Suazo	Project File